



Agenda Item Number: 2006-9-7A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: September 26, 2006

Department: Zoning, Building, Planning & Environmental Health **Staff Contacts:** Sanford Fish, Director
Julie M. Baca, Deputy County Manager
for Community Services Division

TITLE: Text Amendment to the Bernalillo County Code, Appendix A, Zoning Ordinance #213, adding definitions, updating permissive and conditional uses in the R-2, O-1, C-N, C-1, C-2 AND C-LI zones, and adding language regarding low-water use landscaping.

ACTION: Convene a Public Hearing.

Motion to adopt **Ordinance 2006-_____** amending Appendix A of the Bernalillo County Code, Zoning Ordinance #213.

SUMMARY:

On August 9, 2006, the Board of Commissioners approved introduction and publication of a series of amendments to the Zoning Code. These items respond to issues that have arisen since the most-recent amendments were completed, as well as clarifications and corrections identified in our continuing review of the ordinance. The amendments include:

- Adding definitions for Day Spa and Townhouse
- Adding Townhouse as a permissive use in the R-2 zone
- Adding Day Spa as a permissive use beginning in the O-1 zone
- Deleting bar, lounge and liquor store as a conditional use in the C-N zone
- Adding Emissions Testing as permissive under automobile repair in the C-1 zone
- Making Schools and related facilities conditional rather than permissive in the O-1 and C-1 zones
- Removing Animal Hospitals and Kennels as conditional in the C-1 zone (Commercial Animal Establishments are listed as permissive in C-1 and by definition include both kennels and animal hospitals)
- Removing watchman/caretaker residences as conditional in the C-2 zone (watchman/caretaker residences are first listed as conditional in C-1 and all C-1 conditional uses are included as permissive in C-2)
- Correcting the prohibited uses section of the C-LI zone so that residential elements of a mixed use development are allowed
- Updating the off street parking standards for nonresidential uses to apply to the C-N and C-LI zones
- Adding language encouraging low-water use landscaping

Since introduction staff has received comments regarding two items, the proposed definition of townhouse and the addition of townhouses as a conditional use in the C-1 zone. Based on these

comments staff recommends two revisions to the amendments as originally presented. These are included in the attachment 2. Amendment 1 clarifies that a townhouse is located on an individual lot. Amendment 2 deletes townhouse as a conditional use in the C-1 zone; townhouses would remain as a permissive use in the R-2 zone.

ATTACHMENTS:

1. **Ordinance 2006-**
2. Proposed revisions based on comments received since Introduction

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

These amendments will respond and address issues from the community that have arisen since the latest amendments were completed. I also concur with staffs recommendation to changes with the townhouse zoning. I recommend Board approval. TL 9/19/06

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES

I recommend the Board convene a public hearing for the text amendments to the Bernalillo County Code. The two items, as noted in the summary herein, clarifies that a townhouse be located on an individual lot and deletes townhouse as a conditional use in a C-1 zone. The amended Ordinance would continue to allow townhouses to remain as a permissive use in the R-2 zone. Julie M. Baca 09/07/06

LEGAL

The proposed amendments to the Zone Code are consistent with the New Mexico Zoning Act (3-21-1 et seq.) and will help facilitate uniform enforcement of the Code. PFT 7/14/06

FINANCE

Budget

There is no fiscal impact with the adoption of the amendment to Appendix A of the Bernalillo County Code, Zoning Ordinance #213.
Geri Maestas, Financial Projects Coordinator 8/29/06